Motion put and carried

The Cochin Census Bill *

Mr. K. P. Kannan Nayar *(Secretary to Government):* Sir, I move that the Cochin Census Bill be taken up and finally passed.

Mr. C. A. Kunjunni Raja *(Advocate-General):* I second it.

Motion put and carried

The Cochin Fisheries Act (Amendment) Bill

Mr. K. Achyuta Menon *(Diwan Peishkar):* Sir, I move that the Cochin Fisheries Act (Amendment) Bill be read in Council.

Mr. C. A. Kunjunni Raja *(Advocate-General):* I second it.

Motion put and carried

Secretary to the Council: The title of the Bill is the Cochin Fisheries Act (Amendment) Bill.

Mr. K. Achyuta Menon *(Diwan Peishkar):* I request that the President may be pleased to suspend S. O. 32 so that Cochin Fisheries Act (Amendment) Bill may be taken into consideration at once.

Mr. President: Yes. The Standing Order is suspended.

Mr. K. Achyuta Menon *(Diwan Peishkar):* Sir, I move that the Cochin Fisheries Act (Amendment) Bill be now taken up for consideration.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second the motion.

Mr. K. Achyuta Menon *(Diwan Peishkar):* Sir, the objects of the Bill have been very clearly stated in the Statement of Objects and Reasons. Under section 2 of the Cochin Fisheries Act, licenses are to be granted for carrying on prawn fishing only in the case of wet lands where such fishing is carried on. But prawn fishing on a large scale is now successfully carried on in lands registered as *parambas* and assessed as such. It was an omission to include dry lands expressly at the time when a Bill to tax prawn fishing was passed by the Council. Further, there is no principle why *parambas* should be excluded from taxation when *nilams* are taxed. For the sake of uniformity and consistency, the Amendment Bill is now brought forward.

മിസ്റ്റർ ബി. എം. പീറർ: ഈ പറമ്പിൽനിന്നു് മത്സ്യം പിടിക്കുന്നുണ്ടെന്നു് പറഞ്ഞു. അതിനു് പറമ്പിന്റെ കരംതന്നെയാ പിരിക്കുന്നതു്; അതോ നിലത്തിന്റെ കരമൊ പിരിക്കുന്നതു്?

*Appendix II

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APPENDIX I

The Cochin Police Act (Amendment) Bill

Preamble.—WHEREAS it is expedient further to amend the Cochin Police Act, 1 of 1058; It is hereby enacted as follows.—

1. *Short title extent and commencement.*—(1) This Act may be called the Cochin Police (Amendment) Act, of 111 .

(2) It shall extend to the whole of Cochin State and shall come into force at once.

2. *Penalty for violation of rules.*—After section 24-A of the Cochin Police Act, 1 of 1058, the following section shall be inserted.—

"24-B. Any person who acts in contravention of any rule made under section 24-A shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees or to imprisonment not exceeding eight days and it shall be lawful for any Police Officer to take into custody without warrant any person who within view commits breach of any such rule."

APPENDIX II

The Cochin Census Bill

WHEREAS it has been determined to take a Census of Cochin State during the the year 1116, and whereas it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows.—

1. *Short title and extent.*—(1) This Act may be called the Cochin Census Act,.....111....

(2) It extends to the whole of Cochin State.

2. *Appointment of Census staff.*—(1) Government may appoint persons as Census Officers to take, or aid in, or supervise the taking of, the census.

(2) Government may appoint a Census Commissioner to control census operations generally and they may delegate to such Commissioner the power of appointing Census Officers conferred by sub-section (1).

(3) A declaration in writing signed by any authority authorised by Government in this behalf that any person has been duly appointed a Census Officer for any local area shall be conclusive proof of such appointment.

3. *Status of Census authorities as public servants.*—The Census Commissioner and all Census Officers shall be deemed to be public servants within the meaning of the Cochin Penal Code.

4. (1) *Discharge of duties of Census Officer in certain cases.*—(*a*) Every officer in command of anybody of men belonging to His Majesty's naval, military or air forces or of any vessel of war,

(*b*) every person (except a pilot or harbour-master) having charge or control of a vessel,

(*c*) every person in charge of a mental hospital, hospital, workhouse, prison, reformatory or lock-up or of any public, charitable, religious or educational institution,

(*d*) every keeper, secretary or manager of any hostel, boarding-house, lodging-house, emigration depot or club,

(*e*) every manager or officer of a railway or any commercial or industrial establishment, and

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(*f*) every occupant of immovable property wherein at the time of the taking of the census persons are living,—

shall, if so required by the District Magistrate or by such authority as Government may appoint in this behalf, perform such of the duties of a Census Officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property, or are employed under him, as such Magistrate or authority may, by written order, direct.

(2) All the provisions of this Act relating to Census Officers shall apply, so far as may be to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under section 173 of the Cochin Penal Code.

5. *Power to call upon certain persons to give assistance.*—The District Magistrate, or such authority as Government may appoint in this behalf for any local area may, by written order which shall have effect throughout the State or of such local area, as the case may be, call upon—

(*a*) all owners and occupiers of land, tenure-holders, and farmers and assignees of land revenue, or their agents, and

(*b*) all members of municipal, *panchayat* and other local authorities and officers and servants of such authorities,

to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Cochin Penal Code.

6. *Asking of questions and obligations to answer.*—(1) A Census Officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by Government and published in the Cochin Government Gazette, he may be directed to ask.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

7. *Occupier to permit access and affixing of numbers.*—Every person occupying any house, enclosure, vessel or other place shall allow Census Officers such access thereto as they may require for the purposes of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

8. *Occupier or manager to fill up schedule.*—(1) Subject to such orders as Government may issue in this behalf, a Census Officer may, within

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the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as Government may direct regarding the inmates of such house or part thereof, or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier, manager, or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid and shall sign his name thereto and, when so required shall deliver the schedule so filled up and signed to the Census Officer or to such person as the Census Officer may direct.

9. *Penalties.* – (*a*) Any Census Officer or any person lawfully required to give assistance towards the taking of a census who refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or in obeying any such order, or

(*b*) any Census Officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of Government discloses any information which he has received by means of, or for the purposes of, a census return, or

(*c*) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any question asked of him by a Census Officer which he is legally bound by section 6 to answer, or

(*d*) any person occupying any house, enclosure, vessel or other place who refuses to allow a Census Officer such reasonable access thereto as he is required by section 7 to allow, or

(*e*) any person who removes, obliterates, alters or damagss before the 31st day of March 1941 any letters, markes or numbers which have been painted or affixed for the purposes of the census, or

(*f*) any person who, having been required under section 8 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder,—

shall be punishable with fine which may extend to two hundred rupees.

10. *Sanction required for prosecutions:*—No prosecution under this Act shall be instituted except with the previous sanction of Government or of any authority authorised in this behalf by Government.

11. *Operation of other laws not barred.*—Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act:

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Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 10.

12. *Jurisdiction.*—No Court inferior to that of a Magistrate of the second class shall try, whether under this Act or under any other law, anything which constitutes an offence under this Act.

13. *Records of census not open to inspection nor admissible in evidence.*—No person shall have a right to inspect any book, register or record made by a Census Officer in the discharge of his duty as such, or any schedule delivered under section 8 and notwithstanding anything to the contrary in the Indian Evidence Act as made applicable to Cochin State, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

14. (1) *Power to make rules.*—Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, Government may make rules providing.—

(*a*) for the appointment of Census Officer and of persons to perform any of the duties of Census Officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons;

(*b*) for the enumeration of persons employed on railways and their families and of other classes of the population for which it may be necessary or expedient to make special provision.

C. J. MATHEW,

Secretary to the Council

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